

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

In re: **JEFFREY DONALD NIKOLEYCZIK**, aka : Chapter 13
Jeffrey D. Nikoleyczik, aka : Case No. **16-17350-ref**
Jeffrey Nikoleyczik, and :
LORI ANN NIKOLEYCZIK, aka :
Lori A. Nikoleyczik, aka :
Lori Nikoleyczik, aka Lori A. Georges, aka :
Lori Georges, aka Loriann Georges, aka :
Lori Ann Trovato, aka Lori A. Trovato, aka :
Lori Trovato, aka Lori A. Triano, aka :
Lori A. Trovato, aka Lori Triano, :
Debtors :

M&T BANK, :
Movant : Motion for
v. : Relief from Stay
JEFFREY DONALD NIKOLEYCZIK, :
LORI ANN NIKOLEYCZIK, and :
FREDERICK L. REIGLE, Trustee, :
Respondents :

**ANSWER TO MOTION OF
M&T BANK FOR RELIEF FROM STAY**

AND NOW COMES Debtors **JEFFREY DONALD NIKOLEYCZIK** and **LORI ANN NIKOLEYCZIK**, by and through their attorneys, **NEWMAN, WILLIAMS, MISHKIN, CORVELEYN, WOLFE & FARERI, P.C.**, and in Answer to the Motion of **M&T BANK** for Relief from Stay avers:

1. Admitted.
2. Denied to the extent the documents referenced to not speak for themselves.
3. Admitted in part and Denied in part. Debtor's pending Second Amended Chapter 13 provides for \$3,084.78 in arrears, \$2,459.70 of which are to cover postpetition arrears.
4. Denied. As a source of transportation required for employment required to maintain the income required to fund payments to the Trustee and creditors, the Vehicle is necessary for an effective reorganization.

5. Denied to the extent the averments of paragraph 5 are other than a statement or conclusion of law or request for relief that does not require a response. Upon information and belief, the payments that reduces the balance due from \$18,387.44 on the date of the petition to the \$13,987 balance indicated by the Motion for Relief constitute adequate protection.

6. Denied. Upon information and belief, Debtors' available funds on or before the March 8, 2018 hearing date and the arrears provided by the Second Amended Chapter 13 Plan, would provide Movant with an equity cushion.

7. Denied. See response to paragraph 4 above.

8. Denied. Upon information and belief, Movant's method of disposal of the Vehicle after repossession will be the single greatest damage to Movant, and result in returns far less than withdrawal of the instant Motion and filed an Amended Proof of Claim in accord with the Second Amended Plan.

9. Denied to the extent the averments of paragraph 9 are other than a statement or conclusion of law or request for relief that does not require a response. See responses to paragraphs 5-8 above.

WHEREFORE, Debtors **JEFFREY DONALD NIKOLEYCZIK** and **LORI ANN NIKOLEYCZIK** respectfully pray this Honorable Court for an Order than the Motion of **M&T BANK**, for Relief from Stay be Denied, or, in the alternative, for an Adequate Protection Order conditioning the automatic stay on ongoing payments, and for such other and further relief as the Honorable Court deems just and appropriate.

NEWMAN, WILLIAMS, MISHKIN,
CORVELEYN, WOLFE & FARERI, P.C.

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